

MINUTES

MONTANA SENATE 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DARYL TOEWS**, on January 20, 1999 at 3:02 P.M., in Room 402 Capitol.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. Bill Glaser, Vice Chairman (R)
Sen. Jon Ellingson (D)
Sen. Alvin Ellis (R)
Sen. John Hertel (R)
Sen. Bob Keenan (R)
Sen. Debbie Shea (D)
Sen. Mike Sprague (R)
Sen. Spook Stang (D)
Sen. Mignon Waterman (D)
Sen. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Janice Soft, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 150, 1/13/1999; SB 199,
1/13/1999
Executive Action: SB 31 DO PASS; SB 104 TABLED;
SB 151 DO PASS; SB 69 DO PASS;
SB 134 DO PASS

HEARING ON SB 150

Sponsor: SEN. GREG JERGESON, SD 46, Chinook

Proponents: Beverly Peterson, Cottonwood School District 57

Opponents: Stacy Vestal, Montana Association of School Business
Officials

Informational Testimony: Gordon Morris, Montana Association of
Counties

Opening Statement by Sponsor:

SEN. GREG JERGESON, SD 46, Chinook, said over the years it seemed people who lived in rural areas who needed individual transportation contracts in order to get their children to public school, were ignored for the distance and isolation those people experienced because they were not reimbursed for the first and last three (3) miles. He said a group of constituents from an isolated area north of Havre approached him about this inequity in that Montanans were obligated to ensure provision of equality of access to educational opportunities to students. They asked him if he would be willing to introduce a bill which would permit reimbursement for those cumulative six (6) miles round trip in their individual transportation contracts. SEN. JERGESON stated SB 150 provided for that reimbursement for those six (6) miles; it was designed to address distances and isolation and to ensure the Constitutional standards were met.

Proponents' Testimony:

Beverly Peterson, parent, Cottonwood School District #57, said she lived north of Havre four (4) miles from the Canadian border and was on the school board of their school, which had an enrollment of 15 students. She said she drove 11 miles one way just to meet the bus -- her child rode another 25 miles on the bus to get to school. She thought it was unfair to drive 22 miles round trip and have six (6) miles subtracted, especially when she got paid mileage from her home to attend a school board meeting. She admitted there could be a problem because some people lived only about a quarter of a mile from the road; perhaps there could be a one-mile limitation. She asked for the Committee's favor for SB 150.

Opponents' Testimony:

Stacy Vestal, Montana Association of School Business Officials (MASBO) said the bill wouldn't make any difference to her school district; however, she was here to support what would happen on both the county and state level. She referred to the fiscal note which indicated the state portion to fund **SB 150** was over \$209,000 and the same amount would also be funded by the counties. She informed the Committee the reasoning behind the three(3) miles was town students who lived closer than three (3) miles from the school were ineligible for reimbursement and the same stipulation was put on out-of-town students in order to equalize the situation. She commented she could sympathize with those in rural Montana but again reminded the Committee the original plan was set up for the purpose of equality. She said if the counties had to vote another huge amount that would be matched by the state, the total would amount to about \$418,000; for those reasons, she would have to oppose **SB 150**.

{Tape : 1; Side : A; Approx. Time Counter : 6}

Informational Testimony:

Gordon Morris, Montana Association of Counties (MACO), said he wanted to make basically the same point as **Ms. Vestal's** testimony -- this bill was absent of a CI-75 contingency clause. He stated the counties' half of the fiscal impact was to be effective July 1, 1999, and the counties had no authority to increase those levies without a vote of the people. He suggested if the Committee was going to do anything with the bill, the contingency voidness language would have to be included, or at least postpone the implementation until such time it could be voted upon.

Questions from Committee Members and Responses:

SEN. BARRY "SPOOK" STANG referred to Page 1 and said the situation there didn't seem to fit the situation of **Ms. Peterson**; Page 2 seemed to describe her situation better. He could understand the justification for not deducting the six (6) miles outside the three-mile-limits. He asked what the fiscal impact would be if the first part were eliminated. **SEN. JERGESON** said he thought most of the amendments in the first part were clean-up language and the actual intent of the bill was on Page 2, Line 13.

SEN. STANG asked if the sponsor would be willing to remove the first part that addressed the inside the three-mile-limits and then get a revised fiscal note for the outside the three-mile-limits. **SEN. JERGESON** said it was his understanding the fiscal note dealt with those who lived outside the three (3) mile limits.

{Tape : 1; Side : A; Approx. Time Counter : 9.3}

SEN. MIGNON WATERMAN offered clarification of **SEN. STANG's** questions by suggesting he meant full reimbursement would be paid only for those who transported from their homes to the bus outside the three-mile-limit; not reimburse people within three (3) miles. **SEN. JERGESON** said Ms. Peterson's circumstance was she transported her child 11 miles to the bus and the child rode 25 miles to the school; however, there could be people who didn't have a bus route who may end up transporting their child(ren) the full 38 miles, 11 miles, or whatever to the school. They would be faced with the same circumstance of isolation and distance and not receiving reimbursement for some of the miles actually traveled in order to get the children to school. He understood **SEN. STANG** to mean the bill was proposing to reimburse those who lived within the three-mile-limit.

SEN. STANG explained his position by saying if a person lived 38 miles from the bus stop and he or she took the child(ren) all the way to school instead of to the bus stop, that person shouldn't be paid for those miles within the three-mile-limit -- just those miles outside the limit. However, in the other part of the bill, there had been deducted the six (6) miles from the 11 miles to the bus stop [in reference to Ms. Peterson's testimony] and he didn't know that was fair because they were still outside the three-mile limit. He said he was of the opinion half of **SB 150** had merit but the other half he would disagree with. **SEN. JERGESON** suggested the Committee was welcome to amend the bill; however, he didn't think the only issue of fairness related to carrying the child to the bus because there were a number of circumstances where the miles could be just as many and as daunting as where there was no bus. He didn't think those children should be treated any differently from those who were hauled from home to a bus.

SEN. ALVIN ELLIS said he understood **SB 150** to mean the law would be changed so people who transported their children to and from the bus stop would be paid for the full distance. **Gail Gray** said that was her understanding as well; however, that would be only for eligible transportees.

SEN. ELLIS commented it was his opinion that people who lived within the three-mile-limit were at a disadvantage because they were not being reimbursed for their student transporting. **Gail Gray** said that was a legislative decision a long time ago but would show some degree of inequity because that long-ago decision was probably made on the premise that children could walk three (3) miles to school. However, in this case walking the three (3) miles would not help the situation.

SEN. ELLIS asked if there were any major schools who routinely transported students less than three (3) miles -- Great Falls did but he wondered if there were others. **Gail Gray** said there were and offered to get him a listing -- it wasn't only the large systems who did that but many of the smaller systems also did so. She reminded him that was a local decision and not a state responsibility.

SEN. ELLIS wondered if it was correct to assume the local district would provide half the transportation funding because it was his understanding it actually provided a little more than half. **Gail Gray** said it was the county who paid and it was close to 50%. She said when the equity of educational opportunity was determined to be out of compliance with the interpretations of the Supreme Court, transportation was one of the areas they addressed. In order to meet the interpretation, transportation funding was changed to have a 50/50 split between county and state responsibility.

SEN. TOEWS suggested that sometimes the buses cost more than the transportation fees and that was when the district supplied some of the money. That was why sometimes it seemed there wasn't a 50/50 split.

{Tape : 1; Side : A; Approx. Time Counter : 14.2}

SEN. BILL GLASER asked if the \$418,000 was going to be paid from the Transportation Fund every two (2) years and if CI-75 prevailed, from where would the money come. **SEN. JERGESON** said it would probably change from one county to another. It could be said this fiscal note could be matched state-wide by county transportation mill levies having to come up with an equal amount on the other side; some counties might be able to adjust their whole transportation budgets within their current mill levies to accommodate this. He said several years ago his subcommittee received testimony there were 1,900 individual transportation contracts but it had now dropped to about 1,700 because of the decline in the school numbers. It would vary from one county to another as to whether the decline in student numbers would permit enough money in the county transportation budget to accommodate this. If it did not, and the county mill levy had to be raised, they would need a local CI-75 election and if the voters turned it down, he said he didn't know what would happen.

SEN. GLASER referred to the \$418,000 that would be the responsibility of the county transportation district and wondered what the percentage of increase was. **SEN. JERGESON** said the total appropriation approved stateside was \$10 million+.

Closing by Sponsor:

SEN. GREG JERGESON referred to testimony which said the bill wasn't fair because people in town who lived within three (3) miles had to provide their own transportation and historically this was also required of rural residents. He said he was aware of a number of school districts whose buses picked up children and he supposed the logic was they were going that way anyway and if the buses had room, they would stop; however, he suggested those families within the three-mile-limit had the advantage.

As to the testimony by Gordon Morris and his concern about a CI-75 contingency voidness clause, and said it could be needed because the transportation mill levy may have to be increased; however, he didn't think that would happen in every county. He said he didn't have a good answer as to what would happen if the voters said "no." His illustration was a largely urban county who might say "no" to providing the transportation reimbursement to their rural residents -- he hoped it wouldn't be a rural/urban issue but it could happen.

He said it was becoming more and more expensive to get children to school and the cost the people have been bearing for years was burdensome -- their children were entitled to the same access to school as everyone else's. He urged the Committee's favorable consideration and suggested it make amendments if that would make the bill work.

{Tape : 1; Side : A; Approx. Time Counter : 19.4}

HEARING ON SB 199

Sponsor: SEN. B. F. "CHRIS" CHRISTIAENS, SD 23, Great Falls

Proponents: Catherine Love, Office of Public Instruction
Alan Horsfall, Montana Board of Crime Control
Kellie Gibson, Cascade County Regional Youth
Services Center
Dan Miuton, Missoula County Sheriff
Don Waldron, Montana Rural Education Association &
Montana Association of County Schools
Superintendents
Phil Campbell, Montana Education Association &
Montana Federation of Teachers
Jani McCall, Youth Justice Council
Gordon Morris, Montana Association of Counties

Opponents: None

Opening Statement by Sponsor:

SEN. B.F. "CHRIS" CHRISTIAENS, SD 23, Great Falls, said last Legislative Session this bill passed both the House and the Senate but failed in House Appropriations because of lack of a funding source; however, they worked on the funding mechanism during the interim for the juveniles who were in the detention centers. Currently, there are 66 beds for juveniles in Montana detention centers and beginning in fall, 1999, this is projected to grow by 20 additional beds with the addition of the Missoula facility. He said the length of stay continued to increase and in some instances youth have been there for six (6) months or longer. **SEN. CHRISTIAENS** said the reason for the bill was the youth were fragile and could not afford not to have an education while they were sitting in the detention centers. Everything possible needed to be done in order to provide these educational opportunities; if it were not done now, there would be a bigger price to pay in the future.

Proponents' Testimony:

Catherine Love, Office of Public Instruction (OPI), said OPI rose in support of **SB 199** because they felt youth in detention centers had a right to an education. It was impractical for this obligation to be met by school districts for students who came and went, not youth who were in the custody of the state or county. The Department of Corrections licensing standards recognized the right to education and required education programs in youth detention centers. **SB 199** clarified that requirement and provided funding to the detention centers so they could meet this obligation through using funds from the 22 high school mill levies provided by the county in which the detention centers were located. She explained the money was collected by the county and used to fund the state General Fund. This bill would allow the county to fund the education in the detention centers before turning the money over to the state. The money each detention center would receive would be calculated by multiplying the average daily population (youth served on any given day of the past year) of the detention center for the previous year times the basic ANB entitlement. **SB 199** also allowed schools in detention centers to enter into an agreement to use the center as an alternative education site for the school district; this provision was supported by OPI because it gave school districts another option for dealing with disruptive students on a day school basis. She said OPI asked the Committee's support.

Allen Horsfall, Board of Crime Control, said his past experiences gave him a wealth of information regarding detention centers but nothing pertaining to OPI funding mechanisms. He said he rose in support of **SB 199** and urged the Committee give it due consideration because it was something the detention centers had been looking forward to for a number of years.

{Tape : 1; Side : A; Approx. Time Counter : 26.9}

Kellie Gibson, Cascade County Regional Youth Services Center, said her Center was an eight (8) bed facility and a 12 bed shelter care which was licensed by the Department of Corrections and Department of Public Health and Human Services. She said she also supported **SB 199** because it was much needed in the facilities. She stated they were an eight (8) bed facility; yet her average population was 10 which meant they were over capacity every day. Also, the length of stay was increasing -- when her facility opened, a youth stayed about two (2) days; however, now the average stay was 7.5 days. Currently she had two (2) youth who had been with her since October and their court dates were not scheduled until March. She said the Center served youth from a 12-county region and they were very fortunate because the Great Falls school district and they had a very cooperative effort -- the Center shared a teacher with the school district and contributed some money to the salary and also agreed to host an alternative day school program for the Great Falls public schools.

Detention kids received four (4) hours of school per day; however, most of the youth in detention hadn't been in school for some time and their educational needs hadn't been met. She said as the youth were turned back out into society, it was hoped they would be productive citizens who were enabled, through education, to make good choices. Some of the education must come through reading skills and tests to help ascertain the educational needs of the youth. **Ms. Gibson** said she did not have the money to educate every youth who came from all different counties to her facility, especially since the youth were staying for longer periods of time and were there for more serious offenses, i.e. there was a greater need for educational services which lasted more than four (4) hours per day. She said they needed the financing of **SB 199** to have other counties help pay for this service because it shouldn't fall solely on Cascade County -- it was important for the Committee to support the bill. She also said all the directors of the detention centers were in full support of the bill.

Dan Miuton, Missoula County Sheriff, said they were in favor of the legislation and agreed with Ms. Gibson's testimony that both

the numbers and lengths of stay of the youth are rising. He said the educational programs gave the youth something to do and educated them as well. He offered a concern and that was the time of payment -- the bill suggested yearly but he suggested either monthly or quarterly, preferable monthly.

Don Waldron, Montana Rural Education Association (MREA) and Montana Association of County School Superintendents (MACSS), read his written testimony **EXHIBIT(eds15a01)** which also referred to **EXHIBIT(eds15a02)** and **EXHIBIT(eds15a03)**.

{Tape : 1; Side : A; Approx. Time Counter : 36.5}

Phil Campbell, Montana Education Association (MEA) & Montana Federation of Teachers (MFT), said they didn't know anything about school funding or corrections issues but they supported the idea of providing education for kids wherever they were. It appeared the money was coming from the school equalization fund but at any rate, the money was going to kids' education whether they were here or there. He said he had been made aware of some school districts who were hesitant to assist the detention centers and he suspected that was because of the funding mechanism; however, the bill made it easier to work out the funding between them. He addressed one concern he had -- using state dollars from the school funding program to fund education in the detention centers should result in credits earned by the students, but he admitted earning credit could be difficult for the youth who were there a very short time or if they were taught by an uncertified teacher.

Jani McCall, Youth Justice Council, said they asked for the passage of the bill because it was critically important for youth to have education on an ongoing basis and absolutely essential for kids in the youth justice system. If they didn't have that educational opportunity it would hinder any sort of progress in terms of becoming productive in the community. She asked for the Committee's support and passage of the bill.

Gordon Morris, Montana Association of Counties (MACO), said **SB 199** was county-friendly and not an unfunded mandate; therefore, he recommended the bill for the Committee's consideration.

Opponents' Testimony: None.

{Tape : 1; Side : B; Approx. Time Counter : 0}

Questions from Committee Members and Responses:

SEN. MIKE SPRAGUE commented when he was part of the interim Juvenile Justice Subcommittee, the Subcommittee toured the various detention centers. **Jani McCall** was also part of the Subcommittee so he asked her if she found the educational material that was distributed in those centers to be adequate.

Ms. McCall said in certain cases it was not adequate at the time of the tour; however, she understood all of the detention centers were trying to improve the quality of materials and information they provided to kids. There was a definite increase in the number of days youth were in the facilities as well as the numbers of youth.

SEN. SPRAGUE said he recommended to the Kalispell facility there be an educational booklet which would cover from grades 6-7 and 7-12 so the booklet would not only give them inspirational things to get their minds working but also give an evaluation of where they were academically. He wondered if there was a problem with education and evaluation. **Allen Horsfell** agreed there couldn't be education without evaluation and went on to say all the long-term detention facilities handled their education in a similar manner but in a different way. He referred to **SEN. SPRAGUE'S** comment about the Kalispell facility and said at the time of the Subcommittee tour, there was only one (1) thing going on relative to education and that was the Flathead County Literacy Volunteer Program coming in to work with the youth. He said since that time a certified teacher with 20 years in correctional education had set up the funding mechanism talked about here. There was an assessment done by the teacher (which in a way was an educational evaluation) the first day the youth entered the facility in order to determine his or her educational standing. The second day the teacher began to teach the youth just beyond the level of the assessment. **Mr. Horsfell** said the Department of Corrections mandated an educational program in its present licensing criteria, and the proposed licensing criteria mandated an educational program to be taught by a certified teacher. However, before it went out for public comment there were some concerns with "certified teacher" so that language was removed; currently it mandated an educational program but not a certified teacher. As for accreditation, they anticipated it would be coming in the future as the program developed.

SEN. SPRAGUE commented he saw youth at Pine Hills sitting at computers doing architectural engineering and drafting; he felt it was irrelevant education because the chances of those youth using that information was not very feasible. He hoped the proposed educational program would be relevant so they could apply it to life when they got out of the Centers. **Allen Horsfell** said he would do everything in his power from his present position to accomplish that. He said the present

directors of the Centers would have to provide the educational program and to date the only people they'd have to answer to would be the Department of Corrections, which he did not see as an accredited program. However, the Centers were all moving in the direction of getting computers. He agreed the kids needed to be assessed as to where they were and needed to be brought forward from that assessment, rather than putting them in a field they don't understand or back into a grade level they were far beyond.

SEN. MIGNON WATERMAN asked for verification of her understanding the funding was based on the calculation of the previous year's average daily participation which was reported in September of the following year. Then the County Superintendent submitted it no later than November 1. The reimbursement was made from the county high school equalization fund to the detention center by December, which would be for all the previous year. **Catherine Love** said it would be looking at the average daily population for the previous year and funding the upcoming year.

SEN. WATERMAN commented they'd always be a year behind, i.e. they'd start their calculations now and their first funding wouldn't come until December, 2000. **Ms. Love** said she believed each detention center could tell what their average daily population for the last year was so they could submit it immediately to receive their first funding. **SEN. WATERMAN** asked if it would be in December, 1999, and would that be what they would operate on until December, 2000. **Ms. Love** answered in the affirmative to both questions.

{Tape : 1; Side : B; Approx. Time Counter : 7.5}

SEN. BILL GLASER said there were approximately 100 kids in the detention centers which would amount to approximately \$500,000 per year or \$1 million every two (2) years and asked if his figures were correct. **Catherine Love** said the way the calculation was determined was the centers would actually be operating 12 months rather than the 9 months of regular schools; also, they chose to use the basic ANB entitlement rate so it would be equalized with other schools. She said his estimate of approximately 100 beds by 2000 was pretty accurate, as was his estimate of the cost.

SEN. BOB KEENAN commented the former boot camp in the Swan was taken over by DNRC and put out for bid to be used for a facility for non-violent youth between 12 and 18; the top bidder was Rebound but at this time he didn't know where the negotiations were. He wondered: (1) Would there be any unintended consequences as a result of this bill, which would impact them

and the educational funding of the above-mentioned facility in the Seely-Swan School District; (2) Would there be any kind of cost shifting. **SEN. CHRISTIAENS** said as he understood the Rebound program he wasn't positive they were youth who had been adjudicated, and they would be working with youth other than Montana youth. He said at the time **SB 199** was being worked on, they were unaware that program was even coming. He reminded the Committee the purpose of **SB 199** was to address youth in the detention centers and he didn't know if it would have broader implications. He suggested they do more work to ensure it either does or does not.

SEN. KEENAN said the youth being brought in were adjudicated non-violent offenders, both in-state and out-of-state. **Gail Gray** said most of the students in the detention centers were pre-adjudicated, which was another reason for them to have educational services. She reminded this bill was not a new issue; rather it was a new approach to the funding.

{Tape : 1; Side : B; Approx. Time Counter : 13.2}

SEN. KEENAN asked if **SB 199** dealt with holding or temporary placement or adjudicated youth. **Allen Horsfall** said it dealt with both in Montana. It was his opinion Rebound would be classified as a residential care facility which would create another funding mechanism for youth who were court-ordered to residential care. He said the problem with detention was it was an involuntary court-ordered placement, with the largest percentage being pre-adjudicatory. A result of the 1997 Youth Court Act was three instances where youth may be close to adjudicatory by definition and sentenced to juvenile detention, either by agreement or court order. Therefore, in that sense they are post-adjudicatory; other post-adjudicatory kids would be Department of Corrections kids who were committed to the Department and then back to detention to await placement at one of the state institutions. He said the detention centers would deal with both categories of kids; mostly pre-adjudicatory. He stated the biggest reason the detention kids were falling through the cracks was because school districts didn't "fall all over themselves" to go to the detention centers to teach those kids from their districts; therefore, they were asking the detention centers to provide the education for their youth.

SEN. SPRAGUE commented on his suggestion of a booklet and said if a youth said he was in the seventh grade but was having trouble, he would be given a booklet which encompassed fifth, sixth and seventh grade information so he could be evaluated by a certified teacher on why he was having trouble in seventh grade -- the booklet would contain education, evaluation and inspiration.

SEN. CHRISTIAENS said he didn't think that booklet was being used in Great Falls but part of the comment pointed to the value of having certified instructors. **Kellie Gibson** said at the present time the detention center in Great Falls was not using such a booklet; however, the youth who came to them were worked with by their school teacher who attempted to target any learning disabilities. It was important to understand, however, sometimes a youth would come to them on a Friday and be gone on a Sunday or Monday so there wouldn't be much time for assessments. Also, even if the youth were assessed, there wasn't a network of cooperation between school districts to send records in a speedy fashion. She agreed the booklet might be a good idea; however, sometimes their youth had gone through the system and completed the seventh grade, for example, but the academic performance was at a much lower level.

{Tape : 1; Side : B; Approx. Time Counter : 18.1}

Closing by Sponsor:

SEN. B.F. "CHRIS" CHRISTIAENS said he didn't agree with the options in **EXHIBIT(2)** and **EXHIBIT (3)** because they didn't budget for paying on a monthly basis and appropriating the money to the centers, as in the original bill, helped them set their budgets for education needs -- paying annually would work. **SEN. CHRISTIAENS** suggested the bill also opened another area, that being an alternative school program for those who could not get their education anywhere else because of being expelled from the normal school system. He said local counties were picking up more and more of the costs of operating those detention centers; in fact, this past year the counties picked up 39% of the full operating costs. The Governor's budget recommended \$300,000 and his subcommittee so far had included that request; however, Mr. Kaiser from the Board of Crime Control told him the real cost was \$800,000. He said even though they were putting in \$300,000 they were not funding it at the base in which they should; or to put it another way, the Missoula facility with 24 beds was coming on line and there was no funding for it. He said even though the Committee didn't have a fiscal note in front of them, one was coming and it would be for \$400,000 per year; however, it was necessary because the number of youth in the centers was expected to reach 100 before the next biennium. He stressed it had always been his intent to use certified teachers in all the programs in order to have consistency and to deliver a good product. Also, the Department of Corrections mandated education and when bills were passed, one thing to remember was the long-range action of the vote, i.e. shouldn't mandate things which were not intended to be paid for. If it was not desirable to see the youth go into

the adult system, it was important to invest in the youth the first time they got into trouble.

{Tape : 1; Side : B; Approx. Time Counter : 24}

EXECUTIVE ACTION ON SB 31

SEN. BARRY "SPOOK" STANG explained the numbers in **EXHIBIT (eds15a04)** were the actual cash fund balances as of June 30, from 1994-1998, and it appeared there was enough cash in the account to do this before the end of the year.

Motion: SEN. STANG MOVED SB 31 DO PASS.

Discussion:

SEN. BILL GLASER commented the question seemed to be whether the districts should be paying interest on money they had not yet received or whether the state should be making interest on the money the school districts should have.

SEN. STANG agreed but also the question was whether the state could afford to give the districts the money before the end of the fiscal year so the districts could earn the interest; it was evident it could.

SEN. ALVIN ELLIS said during the hearing he had asked whether when the transfers were paid off, there would be enough cash flow to do this -- obviously there was. In fact, the biennial budget wasn't changed because it was acrually handled; therefore, he supported **SB 31**.

Vote: MOTION SB 31 DO PASS CARRIED UNANIMOUSLY 10-0.

EXECUTIVE ACTION ON SB 104

Motion: SEN. MIGNON WATERMAN MOVED SB 104 DO PASS.

Discussion:

SEN. GLASER commented somewhere along the line this would have to fit into the grand scheme of things. **SEN. DARYL TOEWS** said he thought it would come out of school distribution.

SEN. ELLIS said according to the preceding announcement, there would be only so many dollars for schools and while this was a

lot of money, this was a less difficult situation for schools as compared to a situation where there was declining enrollment and the spike in the percentage was needed to get back some of the mandatory decrease.

SEN. TOEWS asked for affirmation of his understanding that **SEN. ELLIS** said he would rather spend his money on percentage increase and was affirmed. **SEN. ELLIS** went on to say he thought those schools could handle that better than those which might have a 3-or-6% decrease in enrollment which would create a mandatory decrease in budget, even though this wouldn't make that great a difference on the 3.5%.

SEN. STANG asked **SEN. ELLIS** if would rather spend the money on the bill that would limit the budget drops to 4% and was told by **SEN. ELLIS** that he hadn't yet seen that bill; rather, he was referring to the Governor's bill which spiked the payments to the school districts so much. This helped alleviate the decrease because they got some of it back.

SEN. GLASER commented he'd rather put the money into the kids in the detention centers because there was more "bang for the buck."

{Tape : 2; Side : A; Approx. Time Counter : 0}

Vote: MOTION DO PASS SB 104 FAILED 8-2 ON A ROLL CALL VOTE.

Motion/Vote: SEN. BOB KEENAN MOVED TO TABLE SB 104. MOTION CARRIED UNANIMOUSLY 10-0.

EXECUTIVE ACTION ON SB 151

Motion/Vote: SEN. MIGNON WATERMAN MOVED SB 151 DO PASS. MOTION CARRIED UNANIMOUSLY 10-0.

EXECUTIVE ACTION ON SB 69

Motion/Vote: SEN. BARRY "SPOOK" STANG MOVED SB 69 DO PASS. MOTION CARRIED UNANIMOUSLY 10-0.

EXECUTIVE ACTION ON SB 134

Motion: SEN. MIGNON WATERMAN MOVED SB 134 DO PASS.

Discussion:

SEN. BOB KEENAN asked for affirmation that school board trustees were the only elected officials who did not have personal immunity and was told that was correct.

SEN. STANG asked for clarification of the 2/3 vote provision. **Eddye McClure** said they were not increasing immunity; rather, amending liability to be in line with everyone else's.

Vote: MOTION SB 134 DO PASS CARRIED UNANIMOUSLY 10-0.

ADJOURNMENT

Adjournment: 4:30 P.M.

SEN. DARYL TOEWS, Chairman

JANICE SOFT, Secretary

DT/JS

EXHIBIT (eds15aad)